

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 08-215-2

ELECTRONICALLY FILED

v.

MELISSA A. HUET,

Defendant.

Order of Court Re: Motion for Disclosure of Grand Jury Matter (doc. no. 206)

Currently pending before the Court is Defendant Melissa Huet's Motion for Disclosure of Grand Jury Matter (doc. no. 206), to which the Government has filed a Response in opposition (doc. no. 210). After review of these documents, and the portion of the grand jury transcript already provided to Defendant Huet (doc. nos. 208-1 through 208-3):

The Court finds that an *in camera* review of the full grand jury proceedings is appropriate to determine whether any information contained therein should be disclosed to defendant pursuant to Fed. R. Crim. P. 6(e)(3)(e)(ii), while maintaining and protecting the secrecy of the grand jury. *See United States v. Jefferson*, 546 F.3d 300, 314 (4th Cir. 2008) (*in camera* review of certain grand jury transcript proper to determine if they should be disclosed pursuant to Fed. R. Crim. P. 6(e)(3)(e)(ii)); *United States v. Ramirez*, 482 F.2d 807, 812 (2d Cir. 1973)(*in camera* of grand jury transcripts should be used in some circumstances); *United States v. Koerber*, 2012 WL 602707, *1 (D. Utah Feb. 23, 2012)(Court reviewed grand jury proceedings in camera to determine if they should be disclosed); *United States v. Twersky*, 1994 WL 319367, *5 (S.D.N.Y. June 29, 1994)(granting *in camera* review of Grand Jury minutes).

AND NOW, this 22nd day of February, 2013, IT IS HEREBY ORDERED that the

Government shall file under seal, marked for *in camera* review, and shall hand deliver to the Court, for *in camera* review, a copy of any and all grand jury material and/or transcripts containing advice and/or instructions given concerning the meaning of the aiding and abetting statute and/or the relationship between aiding and abetting liability and joint possession on or before 3:00 p.m., today, February 22, 2013, so that the Court may review said documents in a timely fashion prior to the continuation of the Final Pretrial Conference on February 25, 2013 at 8:00 a.m. Should the production of this material by this deadline become impractical, counsel for the Government is directed to contact the Law Clerk in connection therewith.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All ECF Counsel of Record